

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

12 CV 04678

Roberto Dejesus

Plaintiff(s)

vs.

C.O. Laron Reese, shield 17189

Defendant(s)

INMATE  
CIVIL  
RIGHTS  
COMPLAINT  
PURSUANT TO  
42 U.S.C. § 1983

Civil Case No.: 9:

Plaintiff(s) in the above-captioned action, allege(s) as follows:

## JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

## PARTIES

2. Plaintiff: Laron DeJesus 12-A-0084  
Address: Clinton Correctional Facility  
P.O. Box 2001  
Dannemora, N.Y. 12929-2001  
Tel 518 492-2511

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: Laron Reese Shield 17189  
Official Position: N.Y.C.D.O.C.S. "Correction Officer"

Address: 1600 Hazen Street  
East Elmhurst, New York 11370

b. Defendant: \_\_\_\_\_  
Official Position: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

c. Defendant: \_\_\_\_\_  
Official Position: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional Defendants may be added on a separate sheet of paper.

4.

**PLACE OF PRESENT CONFINEMENT**

a. Is there a prisoner grievance procedure at this facility?

( ☒ ) Yes ( ) No

b. If your answer to 4(a) is YES, did you present the facts relating to your complaint in this grievance program?

( ☒ ) Yes ( ) No

If your answer to 4(b) is YES:

(i) What steps did you take?

Filed Grievances for Assault  
and Harassment

(ii) What was the final result of your grievance?

Non-Grievable Issue, Notice from Grievance Dep't.

If your answer to 4(b) is NO:

Why did you choose to not present the facts relating to your complaint in the prison's grievance program?

\_\_\_\_\_  
\_\_\_\_\_

N/A

- c. If there is no grievance procedure in your institution, did you complain to prison authorities about the facts alleged in your complaint?

( ) Yes ( ) No

If your answer to 4(c) is YES:

- (i) What steps did you take?

\_\_\_\_\_  
\_\_\_\_\_

N/A

- (ii) What was the final result regarding your complaint?

\_\_\_\_\_  
\_\_\_\_\_

N/A

If your answer to 4(c) is NO:

Why did you choose to not complain about the facts relating to your complaint in such prison?

\_\_\_\_\_  
\_\_\_\_\_

N/A

5. **PREVIOUS LAWSUITS**

- a. Have you ever filed any other lawsuits in any state and federal court relating to your imprisonment?

( ) Yes (✓) No

- b. If your answer to 5(a) is YES you must describe any and all lawsuits, currently pending or closed, in the space provided on the next page.

For **EACH** such lawsuit, provide the following information:

- i. Parties to previous lawsuit:  
Plaintiffs: N/A  
Defendants: \_\_\_\_\_
- ii. Court (if federal court, name District; if state court, name County):  
\_\_\_\_\_
- iii. Docket number: \_\_\_\_\_
- iv. Name of Judge to whom case was assigned:  
\_\_\_\_\_
- v. Disposition (dismissed? on appeal? still pending?):  
\_\_\_\_\_
- vi. Approximate date of filing prior lawsuit:  
\_\_\_\_\_
- vii. Approximate date of disposition:  
\_\_\_\_\_

6.

### FACTS

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

**Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary.)**

On February 16, 2011, I was removed from my cell by C.O. Reese taken into the shower area and assaulted while rear-cuffed sustaining injuries to my head, neck and back, resulting in Permanent and Personal Injuries requiring emergency aid and urgent medical attention after defendant grabbed the plaintiff about his neck, after shoving him into the shower area and repeatedly ramming my head into the wall of the shower area, causing substantial and chronic pain, leaving a gaping hole in the left side of my head. After grabbing me

StateMENT OF Fact's Continued page 4,Line 6.

by my neck and ramming my head into the shower wall, repeatedly sadistically and maliciously for unprovoked reason's the said defendant C.O. Resse, while acting under the color of law, and in the furtherence of his employment did intentionally Assault the Plaintiff by removing Plaintiff from his cell, with the intention to commit an Assault upon his person, in an Isolated area to wit the shower area on 3-south of C.P.S.U. In which C.O. Reese acted outside the scope and authority of his position and violated the Civil Right's of Plaintiff by Using Excessive Use of Force for Unprovoked Reason's wantonly and wickedly causing injuries to Plaintiff by way of violent shoving and pushing forcing the Plaintiff into the shower area while rear-cuffed, then violently grabbing the plaintiff around his neck as if to choke him and by ramming the head of Plaintiff into the wall, repeatedly as if to cause serious physical injuries and mental and emotional distress. Said conduct of C.O. Reese, resulted in Plaintiff sustaining a hole in his head, bruises and scratches upon his neck, because plaintiff was rear-cuffed during the time of the assault he could not defend himself from the vicious assault. The defendant C.O. Reese, committed the unnecessary infliction and wanton infliction of pain in violation of the Eighth Amendment, amounting to Excessive Use of Force, and acted with a "sufficiently culpable state of mind" See, Farmer v. Brennan, 511 U.S. 825, 834 (1994); Hudson v. McMillion, 503 U.S. 1, 9-10 (1992); Davidson v. Flynn, 32 F.3d 27, 29 (2d Cir. 1994); See, Griffen v. Crippen, 193 F.3d 8991-92 (2d Cir. 1999); Smith v. Marcellus, 917 F.Supp.168, 171-73( W.D.N.Y. 1995).

AS A FIRST CAUSE OF ACTION

Excessive Use of Force, the defendant did commit the act of Excessive Use of Force against the Plaintiff when he C.O. Reese intentionally with wanton and wickedness sufficiently and unnecessarily inflicted Pain without just cause or provocation against the Plaintiff while acting under color of State law, and in the furtherance of his employment as a New York City Correction Officer violated the Civil Rights of the Plaintiff when he was a pre-trial detainee further inflicting serious physical injuries against the Plaintiff's person by rear-cuffing Plaintiff, and taking him out of his cell for the sole purpose of isolating him for the sadistic and malicious assault by shoving and pushing plaintiff into the shower area and by grabbing Plaintiff about his neck as if in a choking manner and then violently ramming his head into the wall of the shower area causing a gaping hole in the left side of his head requiring immediate emergency aid and attention, resulting in serious physical injuries. Violating the Plaintiff's Fifth and Fourteenth Amendment Rights to Due Process as a pre-trial detainee. Further violating the Eighth Amendment's cruel and unusual Punishment Clause. The unprovoked attack and beating of plaintiff by defendant C.O. Reese on February 16th, 2011, violated the Rights and Constituted Cruel and Unusual Punishment under the Eighth Amendment of the United States Constitution. The unprovoked beating of plaintiff by defendant C.O. Reese on February 16, 2011, violated the Due Process Clause of the Fourteenth Amendment of the United States Constitution. The Personal Injuries and Damages are permanent in nature, and caused substantial and CHRONIC Pain and suffering, mental and emotional distress and anguish.

AS A SECOND CAUSE OF ACTION

Assault and Battery, the defendant C.O. Laron Reese, while acting under color of state law, in the scope of the furtherance of his employment as a New York City Department of Correction Employee assaulted Plaintiff on February 16, 2011, and committed the act of Battery upon the Plaintiff's person, causing him to sustain a gaping head wound(hole) in the left side of Plaintiff's head, requiring urgent medical attention and emergency aid. The defendant's act of sadistically and maliciously attacking Plaintiff for unprovoked reason's with malicious intent, sadistic intent causing the wanton unnecessary infliction of pain by deliberately ramming plaintiff's head into a wall, the unreasonable exercise of Excessive force the defendant used against Plaintiff was intended to cause harm, and serious physical injury. The defendant C.O. Reese, did knowingly commit the act of Assault and Battery upon the Plaintiff's person causing plaintiff to sustain permanent injuries both physical and emotional amounting to cruel and unusual punishment in violation of Plaintiff's Civil Right's Protected by the Eighth Amendment of the United States Constitution. Plaintiff sustained damages that are persistent and permanent in their nature, lasting and has further caused the Plaintiff to suffer with Chronic headaches blurred vision, loss of appetite, loss of sleep, mental and emotional distress and anguish. The defendant caused plaintiff to sustain Head Truama, a gaping hole in the left side of plaintiff's head causing plaintiff to suffer extreme pain, excrutiating pain and physical injuries. Personal, and PErmanent injuries resulting in damages to plaintiff person.

AS A THIRD CAUSE OF ACTION

RETAILIATION      defendant C.O.Reese shield number 17189 an Employee of the City of New York,Department of Correction,while acting under color of state law,in the furtherence of his employment as a New York City Department of Correction "Correction Officer" while assigned to O.B.C.C. Otis Bantum Correctional Center located at 1600 Hazen Street East Elmhurst,New York 11370 ,on November 23rd,2010 at approximately 1830 hour's the defendant Assaulted the Plaintiff for unprovoked reason's,and sadistically and maliciously attacked the plaintiff. By striking Plaintiff with closed clenched fist,striking plaintiff about his body,as a result of the incident C.O.Reese wrote a False Misbehavior Report to attempt to cover up his misconduct toward's plaintiff's,and plaintiff was moved to C.P.S.U. which is the Special Housing Unit therein O.B.C.C.,IN WHICH I was placed in 3-South,7-cell. On February 16th,2011, at approximately 6:00 a.m. I was told to get ready for my shower by the shower officer,whom allowed me to take a shower in preparedness for court trip.I was never called for court and or never taken to the receiving room for court transport.After a few hour's C.O.Laron Reese,whom was assigned to the meal relief whom previously assaulted me on November 23rd,2010,came to my cell and asked me if I wanted a shower. I stated to C.O.Reese,that I had been given my shower at 6:00 a.m. and that the shower officer had log in that I had already taken my shower and there was no need for me to take another shower,C.O.Reese then left,but,returned in 10-minutes and told me or asked me if I wanted another shower,in which I said no.He then gave me a direct order to turn and face the back of my cell,step backward's and he placed the hand-cuff restraint's upon me.



Continuation of THIRD CAUSE OF Action

I was then forced to the shower area, where C.O. Reese pushed and shoved me into the shower, then he grabbed me about the neck and repeatedly rammed my head into the wall, knocking a gaping hole in the left side of my head, requiring immediate emergency attention. The sadistic and malicious attack upon plaintiff's person for unprovoked reason's was to instill fear, cause harm, grave harm, and physical and mental anguish and emotional distress. All the injuries Plaintiff sustained are permanent in their nature, lasting in that personal injuries exist which prevent the Plaintiff from enjoying the normal fruit's of activiteis and that the defendant is the sole cause for the injury, the injury is the result of intentional conduct of the defendant which violates the right's and civil right's of the Plaintiff, his pre-trial detainee right's, Protected by the Fifth and Fourteenth Amendment of the United States Constitution and the Eighth Amendment's Cruel and Unusual Punishment Clasue and Due Process. At all times the defendant an Employee of the City of New York, Department of Correction, a New York Correction Officer, acted under color of the state, in the scope and furtherence of his emplyment, did with malicious intent, sadistic intent Retailated against the defendant by not serving him chow on several dates of his employment to the C.P.S.U. SPECIFICALLY 3-south 7-cell, during the times C.O. Reese worked that company I did not get fed, nor was I allowed to use the phone for legal call, nor was I able to go to recreation, as a result of his Retailiation tactic's against me which caused plaintiff to fear for his safety, well being and his life. The defendant further filed false misbehavior report's to cover up his misconduct, which was reversed. For those and previously stated reason's

Plaintiff demands JUDGEMENT IN THE AMOUNT OF FIVE MILLION DOLLARS AND NO CENT.

Past Pain and Sufferin,Future Pain and Suffering,and Future Medical Expenses.

COMPENSATORY damages are hereby demanded against the defendant in the SUM OF FIVE MILLION DOLLARS AND NO CENT. (\$5,000,000.00).

PUNATIVE damages are hereby demanded against the defendant in the SUM of FIVE MILLION DOLLARS AND NO CENT, (\$5,000,000.00) .

Plaintiff demands a Trial by Jury .

Prayer for Relief

WHEREFORE,Plaintiff respectfully request that this Court Grant the following relief ; damages against the defendant in the sum of FIVE MILLION DOLLARS AND NO CENT with cost,fess associated with prosecuting this action and disbursement's thereof,and for any such other and further relief this honorable U.S.District Court,may deem just and proper.

I declare under penalty of perjury that the foregoing is true and correct.

Dated : June 8<sup>th</sup>

Robert J. Dufresne  
Signature of Plaintiff

# United States District Court

SOUTHERN DISTRICT OF NEW YORK

Roberto Dejesus,

## SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

C.O.Laron Reese, shield 17189

TO: (Name and address of defendant)

C.O.Laron Reese  
Otis Bantum Correctional Center  
1600 Hazen Street  
East Elmhurst, N.Y. 11370

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Mr. Roberto Dejesus 12-A-0084  
Clinton Correctional Facility  
P.O.Box 2000  
Dannemora, N.Y. 12929-2001

an answer to the complaint which is herewith served upon you, within 21 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

(BY) DEPUTY CLERK

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK )  
COUNTY OF Clinton )Ss:

Roberto DeJesus, being duly sworn, deposes and says:

I am the claimant in the enclosed action.

I have on this 8<sup>th</sup> day of June 20 12. Placed and submitted within  
the institutional mailbox located at:

Downstate Corr Facility  
P.O. Box F  
Fishkill, N.Y. 12524-0445

The following:

U.S. Clerk of the Court  
U.S. District Court  
U.S. Southern District of New York  
500 Pearl Street / Pro-se Office  
New York, N.Y. 10007

I have submitted original  
document 42 U.S.C. 1983  
Prisoner Civil Rights Law Suit

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

To be mailed and delivered via the United States Postal Service upon the following:

U.S. Clerk. of the Court  
U.S. Southern District of New York  
500 Pearl Street / Pro-se office  
N.Y. , N.Y. 10007

Sworn to me this 8 day  
of JUNE, 20 12

\_\_\_\_\_  
Notary Public

Robert Defesus  
Robert Defesus, Pro-Se  
Robert Defesus

CARMILE PRINGLE  
NOTARY PUBLIC, STATE OF NEW YORK  
REG. NO. 01PR6092127  
QUALIFIED IN DUTCHESS COUNTY  
COMMISSION EXPIRES 05-12-15